

State Law Library of Montana
MONTANA LEGISLATIVE HISTORY

Chapter 96 Session L 1981
Bill House _____ Senate 395

History and final status sheet X
Introduced bill X
Fiscal note NA
Third reading bill X
Final version of bill X

House Committee on State Administration

Hearing date(s)* 3-6

Executive action (vote) date(s)* 3-6

Comm. Report Not available

Floor 2nd reading & vote 3-9

Floor 3rd reading & vote 3-11

Senate Committee on Agriculture

Hearing date(s)* 2-13

Executive action (vote) date(s)* 2-13

Comm. Report 2-13

Floor 2nd reading & vote 2-18

Floor 3rd reading & vote 2-20

Conference or Free Conference Comm. _____ Yes X No

Hearing date(s)* _____

Executive action (vote) date(s)* _____

* Includes minutes, exhibits, roll call, visitors register, and vote sheet if available.

Did this bill originate in an interim committee? _____ Yes _____ No

Committee Legislative Audit Committee Report NA

NOTES:



Compiled by: rg

Date: 2-26-2016

REPORT: 3/6, BE CONCURRED IN
2ND READING: 3/9, YEAS: 72; NAYS: 0
3RD READING: 3/11, YEAS: 95; NAYS: 0

RETURNED TO SENATE: 3/11
TRANSMITTED TO GOVERNOR: 3/16/81
ACTION: 3/18, SIGNED
CHAPTER 87

SB 394 -- S. BROWN, HIMSL -- REESTABLISHING THE BOARD OF CHIROPRACTORS.
INTRODUCED AND REFERRED TO COMMITTEE ON PUBLIC HEALTH: 2/7

HEARING: 2/13
REPORT: 2/14, DO PASS AS AMENDED
2ND READING: 2/17, DO PASS
3RD READING: 2/19, YEAS: 45; NAYS: 2

TRANSMITTED TO HOUSE: 2/19
REFERRED TO COMMITTEE ON STATE ADMINISTRATION: 2/20
HEARING: 3/6
REPORT: 3/6, BE CONCURRED IN AS AMENDED.
2ND READING: 3/10, YEAS: 72; NAYS: 2
3RD READING: 3/12, YEAS: 90; NAYS: 5

RETURNED TO SENATE WITH AMENDMENTS: 3/12
2ND READING: 3/17, BE CONCURRED IN
3RD READING: 3/19, YEAS: 47; NAYS: 0

TRANSMITTED TO GOVERNOR: 3/23/81
ACTION: 3/26, SIGNED
CHAPTER 155

SB 395 -- S. BROWN, HIMSL -- REESTABLISHING THE BOARD OF VETERINARIANS.
INTRODUCED AND REFERRED TO COMMITTEE ON AGRICULTURE: 2/7

HEARING: 2/13
REPORT: 2/16, DO PASS AS AMENDED
2ND READING: 2/18, DO PASS
3RD READING: 2/20, YEAS: 49; NAYS: 1

TRANSMITTED TO HOUSE: 2/20
REFERRED TO COMMITTEE ON STATE ADMINISTRATION: 2/21
HEARING: 3/6
REPORT: 3/6, BE CONCURRED IN
2ND READING: 3/9, YEAS: 72; NAYS: 1
3RD READING: 3/11, YEAS: 91; NAYS: 4

RETURNED TO SENATE: 3/11

TRANSMITTED TO GOVERNOR: 3/16/81
ACTION: 3/19, SIGNED
CHAPTER 96

SB 396 -- S. BROWN, HIMSL -- ELIMINATING REFERENCES TO THE BOARD OF
MASSAGE THERAPISTS.

INTRODUCED AND REFERRED TO COMMITTEE ON PUBLIC HEALTH: 2/7
HEARING: 2/16
REPORT: 2/19, DO PASS
2ND READING: 2/21, YEAS: 32; NAYS: 12
3RD READING: 2/24, YEAS: 31; NAYS: 19

TRANSMITTED TO HOUSE: 2/24

- 395 Introduced by S. Brown, Himsl, (By Request of the Legislative Audit Committee): A bill for an act entitled: "An act to reestablish the board of veterinarians; deleting licensure of veterinary technicians; modifying examination schedule; amending sections 2-8-103, 37-18-202, 37-18-303, 37-18-501, and 37-18-502, MCA; repealing sections 37-18-103, 37-18-401 through 37-18-405, and 37-18-411, MCA; and providing an immediate effective date."

Senate Page No. 243, 385, 389, **426**, 435, **482**, 773, 827, 828, 829, 951.

House Page No. 729, 743, 1012, **1041**, **1076**.

- 396 Introduced by S. Brown, Himsl, (By Request of the Legislative Audit Committee): A bill for an act entitled: "An act to eliminate references to the board of massage therapists; repealing sections 2-15-1627, 37-33-101 through 37-33-104, 37-33-201 through 37-33-204, 37-33-301 through 37-33-307, 37-33-311, and 37-33-312, MCA; and providing an effective date."

Senate Page No. 243, 438, 463, **561**, 567, **607**.

House Page No. 899, 974, 997.

- 397 Introduced by S. Brown, Himsl, (By Request of the Legislative Audit Committee): A bill for an act entitled: An act to reestablish the board of psychologists under existing statutory authority and rules; adding two public members to the board; amending the definition of psychology; deleting code of ethics requirement for exempted professions; amending the definition of psychologist in the insurance law; deleting felony conviction as grounds for denial or revocation of a license; amending sections 2-8-103, 2-15-1617, 33-22-111, 37-17-102, 37-17-104, and 37-17-311, MCA; and providing an immediate effective date."

Senate Page No. 243, 438, 463, **561**, 621, **644**, 1278, 1369, 1438.

House Page No. 960, 975, 1231, **1426**, **1512**.

- 398 Introduced by S. Brown, Himsl, (By Request of the Legislative Audit Committee): A bill for an act entitled: "An act to reestablish the board of morticians; reducing the board membership to five; removing restrictions on public board member participation; requiring written disclosure of funeral costs and embalming requirements; deleting college study requirement for licensure; deleting felony conviction as grounds for denial or revocation of a license; amending sections 2-8-103, 2-15-1619, 37-19-302, and 37-19-311, MCA; and providing an effective date."

Senate Page No. 243, 455, 456, 499, **561**, 576, **607**, 1213, **1309**, **1356**, 1413, 1451, 1638.

House Page No. 898, 975, 1231, **1362**, **1440**, 1681.

- 399 Introduced by Manley, Turnage, Elliott: A bill for an act entitled: "An act to require voter approval of a land-use master plan before it may take effect; providing procedures by which

47th LEGISLATIVE SESSION

COMMITTEE ON AGRICULTURE, LIVESTOCK AND IRRIGATION

SENATE BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CON- CURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CON- CURRED IN DATE
285	1-26-81	2-2-81	2-4-81	2-4-81	----	----			
297	1-27-81	2-11-81	2-13-81	2-13-81	----	----			
347	2-2-81	2-11-81	2-11-81	----	----	2-11-81			
349	2-2-81	2-11-81	2-11-81	2-11-81	----	----			
363	2-3-81	2-6-81	2-13-81	----	----	2-13-81			
395	2-11-81	2-13-81	2-13-81	----	----	2-13-81			
414	2-11-81	2-16-81	2-16-81	2-16-81	----	----			
470	2-13-81	2-20-81	2-20-81	----	----	2-20-81			
474	2-13-81	2-18-81	----	----	----	----			
409	2-11-81	2-18-81	2-18-81	----	----	2-18-81			
SENATE JOINT RESOLUTIONS:									
SJR 16	2-6-81	2-13-81	2-13-81	2-13-81	----	-----			
SJR 18	2-9-81	2-13-81	2-13-81	2-13-81	----	-----			

1 *Sen. Steve Brown* BILL NO. *395*
2 INTRODUCED BY *STEVE BROWN*
3 BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REESTABLISH THE
6 BOARD OF VETERINARIANS; DELETING LICENSURE OF VETERINARY
7 TECHNICIANS; MODIFYING EXAMINATION SCHEDULE; AMENDING
8 SECTIONS 2-8-103, 37-18-202, 37-18-303, 37-18-501, AND
9 37-18-502, MCA; REPEALING SECTIONS 37-18-103, 37-18-401
10 THROUGH 37-18-405, AND 37-18-411, MCA; AND PROVIDING AN
11 IMMEDIATE EFFECTIVE DATE."
12

13 WHEREAS, the sunset law, section 2-18-103 and 2-18-112,
14 terminates the Board of Veterinarians and requires a
15 performance evaluation of the Board by the Legislative Audit
16 Committee; and

17 WHEREAS, as a result of the performance evaluation, the
18 Legislative Audit Committee recommends that the Board of
19 Veterinarians be reestablished under existing statutory
20 authority.

21
22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

23 Section 1. Reestablishment. The board of veterinarians
24 is reestablished for 6 years pursuant to 2-18-122 with its
25 existing statutory authority and rules.

1 Section 2. Section 2-8-103, MCA, is amended to read:
2 "2-8-103. Agencies to terminate. (1) The following
3 agencies shall terminate on July 1, 1979:

4 (a) board of abstracters, department of professional
5 and occupational licensing, created by 2-15-1643;

6 (b) board of real estate, department of professional
7 and occupational licensing, created by 2-15-1642;

8 (c) state board of warm air heating, ventilation, and
9 air conditioning, department of professional and
10 occupational licensing, created by 2-15-1656;

11 (d) board of institutions, department of institutions,
12 created by 2-15-2303.

13 (2) The following agencies shall terminate on July 1,
14 1981:

15 (a) commission for human rights, department of labor
16 and industry, created by 2-15-1706;

17 (b) board of athletics, department of professional and
18 occupational licensing, created by 2-15-1661;

19 (c) board of barbers, department of professional and
20 occupational licensing, created by 2-15-1625;

21 (d) board of chiropractors, department of professional
22 and occupational licensing, created by 2-15-1613;

23 (e) board of cosmetologists, department of
24 professional and occupational licensing, created by
25 2-15-1626;

-2- INTRODUCED BILL
SB 395

1 (f) board of dentists, department of professional and
 2 occupational licensing, created by 2-15-1606;
 3 (g) board of hearing aid dispensers, department of
 4 professional and occupational licensing, created by
 5 2-15-1616;
 6 (h) board of massage therapists, department of
 7 professional and occupational licensing, created by
 8 2-15-1627;
 9 (i) Montana state board of medical examiners,
 10 department of professional and occupational licensing,
 11 created by 2-15-1605;
 12 (j) board of morticians, department of professional
 13 and occupational licensing, created by 2-15-1619;
 14 (k) board of nursing, department of professional and
 15 occupational licensing, created by 2-15-1610;
 16 (l) board of nursing home administrators, department
 17 of professional and occupational licensing, created by
 18 2-15-1611;
 19 (m) board of optometrists, department of professional
 20 and occupational licensing, created by 2-15-1612;
 21 (n) board of osteopathic physicians, department of
 22 professional and occupational licensing, created by
 23 2-15-1607;
 24 (o) board of pharmacists, department of professional
 25 and occupational licensing, created by 2-15-1609;

1 (p) board of podiatry examiners, department of
 2 professional and occupational licensing, created by
 3 2-15-1608;
 4 (q) board of psychologists, department of professional
 5 and occupational licensing, created by 2-15-1617;
 6 (r) board of radiologic technologists, department of
 7 professional and occupational licensing, created by
 8 2-15-1614;
 9 (s) board of speech pathologists and audiologists,
 10 department of professional and occupational licensing,
 11 created by 2-15-1615;
 12 ~~(t) board of veterinarians, department of professional~~
 13 ~~and occupational licensing, created by 2-15-1618;~~
 14 ~~(u) (1) board of veterans' affairs, department of~~
 15 ~~social and rehabilitation services, created by 2-15-2202;~~
 16 ~~(v) (u) board of sanitarians, department of~~
 17 ~~professional and occupational licensing, created by~~
 18 ~~2-15-1631.~~
 19 (3) The following units of state government shall
 20 terminate on July 1, 1983:
 21 (a) board of aeronautics, department of community
 22 affairs, created by 2-15-1103;
 23 (b) state board of hail insurance, department of
 24 agriculture, created by 2-15-3003;
 25 (c) board of horse racing, department of professional

1 and occupational licensing, created by 2-15-1662;
 2 (d) board of livestock, department of livestock,
 3 created by 2-15-3102;
 4 (e) board of milk control, department of business
 5 regulation, created by 2-15-1802;
 6 (f) board of oil and gas conservation, department of
 7 natural resources and conservation, created by 2-15-3303;
 8 (g) Montana outfitters council, department of fish,
 9 wildlife, and parks, created by 2-15-3403;
 10 (h) public service commission, department of public
 11 service regulation, created by 69-1-102;
 12 (i) board of water and wastewater operators,
 13 department of health and environmental sciences, created by
 14 2-15-2105;
 15 (j) board of water well contractors, department of
 16 professional and occupational licensing, created by
 17 2-15-1632.
 18 (4) The following agencies terminate on July 1, 1985:
 19 (a) the board of public accountants, created by
 20 2-15-1641;
 21 (b) the board of architects, created by 2-15-1651;
 22 (c) state banking board, department of business
 23 regulation, created by 2-15-1803;
 24 (d) the state electrical board, created by 2-15-1654;
 25 (e) the board of professional engineers and land

1 surveyors, created by 2-15-1653;
 2 (f) office of commissioner of insurance and the
 3 insurance department, state auditor's office, created by
 4 2-15-1902 and 2-15-1903;
 5 (g) office of the securities commissioner, state
 6 auditor's office, created by 2-15-1901;
 7 (h) the board of landscape architects, created by
 8 2-15-1652;
 9 (i) the board of county printing, created by
 10 2-15-1102;
 11 (j) the board of plumbers, created by 2-15-1655;
 12 (k) board of physical therapy examiners, created by
 13 2-15-1628.
 14 (5) The following agency terminates on July 1, 1987:
 15 the board of veterinarians, department of professional and
 16 occupational licensing, created by 2-15-1618."
 17 Section 3. Section 37-18-202, MCA, is amended to read:
 18 "37-18-202. Powers of board and department --
 19 examinations -- prosecutions. (1) The board may adopt rules
 20 and orders necessary for the performance of its duties,
 21 prescribe forms for application for examination and license,
 22 and prepare examinations. The department shall, subject to
 23 37-1-101, supervise the examination of applicants for
 24 license to practice veterinary medicine, obtain the services
 25 of professional examination agencies instead of its own

1 preparation of examinations, and grant and revoke licenses.

2 ~~(2) The board of veterinarians may also issue to~~
3 ~~qualified applicants licenses for the practice of veterinary~~
4 ~~technology to be known as veterinary technicians~~

5 (3)(2) The department may employ attorneys, subject to
6 the approval of the attorney general, to assist county
7 attorneys in prosecutions brought under this chapter in the
8 respective district courts of the state or to assist the
9 attorney general in representing the board before the
10 supreme court."

11 Section 4. Section 37-18-303, MCA, is amended to read:

12 "37-18-303. Examination -- temporary permit pending
13 examination. (1) Subject to 37-1-101, the board shall by
14 means of examinations, either oral, written, or practical or
15 a combination of oral, written, or practical as the board
16 determines, ascertain the professional qualifications for
17 license of applicants under this part. An investigation
18 under reciprocity arrangements may replace examination for
19 licensees from other states under 37-18-304. The department
20 shall issue a license to all who are found to be, in the
21 judgment of the board, competent to practice. A license may
22 not be issued to a person who is not found by the
23 examination or investigation to be competent.

24 (2) The examination shall be held ~~in January and June~~
25 ~~of when determined necessary by the board, but not less~~

1 ~~frequently than once~~ each year at a time and place specified
2 by the board. The examination shall cover theory and
3 practice, pharmacology and therapeutics, animal sanitation,
4 surgery, communicable diseases, and other subjects chosen by
5 the board which are ordinarily included in the curriculum of
6 a school of veterinary medicine recognized and approved by
7 the American veterinary medical association.

8 (3) The department shall consecutively number
9 applications received, note on each the disposition made of
10 it, and preserve them for reference and shall number
11 consecutively licenses issued.

12 (4) Applicants must achieve a grade of 70% in all
13 subjects in order to obtain a license. An applicant who has
14 failed an examination may apply to be reexamined at a
15 subsequent examination and shall pay another application fee
16 commensurate with the costs of the examinations and set
17 annually by the board and shall take another complete
18 examination in all subjects.

19 (5) An applicant for examination may, in the
20 discretion of the board, be given a temporary permit to
21 practice veterinary medicine prior to taking the examination
22 if the applicant is employed by and working under the
23 supervision of and in the same office with a veterinarian
24 licensed under this part. The temporary permit is valid only
25 until the date of the next examination. Under no

1 circumstances may a second temporary permit be issued to the
2 same person. A temporary permit may not be issued to a
3 person who has failed an examination given under this
4 section."

5 Section 5. Section 37-18-501, MCA, is amended to read:

6 "37-18-501. Penalty. A person practicing veterinary
7 medicine or ~~veterinary technology~~ within this state, as
8 defined in this chapter, without first having obtained a
9 license to practice and being registered as required by this
10 chapter or after his license to practice has been suspended
11 or revoked or contrary to the provisions of this chapter in
12 any manner is guilty of a misdemeanor for each violation of
13 the provisions of this chapter or for each act relating to
14 the practice of veterinary medicine or veterinary technology
15 in this state and upon conviction shall be punished by a
16 fine of not less than \$200 or more than \$500, or by
17 imprisonment in the county jail for not less than 30 days or
18 more than 6 months, or by both such fine and imprisonment.
19 Any person convicted a second time for any violation of this
20 chapter shall be punished by both such fine and
21 imprisonment. The district court has jurisdiction of all
22 prosecutions brought hereunder."

23 Section 6. Section 37-18-502, MCA, is amended to read:

24 "37-18-502. Injunction. The board or any person may
25 bring an action in the district court to enjoin any person

1 who is not licensed from engaging in the practice of
2 veterinary medicine or ~~veterinary technology~~ unless
3 otherwise exempted under 37-18-104(3). If the court finds
4 that the defendant is violating or threatening to violate
5 any provision of Title 37, chapter 18, it shall enter an
6 order restraining him from the violation, without regard to
7 any criminal provisions of Title 37, chapter 18."

8 Section 7. Repealer. Sections 37-18-103, 37-18-401
9 through 37-18-405, and 37-18-411, MCA, are repealed.

10 Section 8. Effective date. This act is effective on
11 passage and approval.

-End-

MINUTES OF THE MEETING
AGRICULTURE, LIVESTOCK AND IRRIGATION
MONTANA STATE SENATE

February 13, 1981

The Agriculture, Livestock and Irrigation Committee meeting was called to order on the above date, by Chairman Galt, in Room 415 of the State Capitol Building at 1:00 p.m.

ROLL CALL: All members present.

CONSIDERATION OF SB 395: Senator Matt Himsel, District 9, Kalispell, said this bill re-establishes the Board of Veterinarians and deletes licensure of veterinary technicians. There is no distinction between licensees and non licensees. Testimony attached.

Testimony from Brenda StClair, Board of Veterinarians, was introduced. She supported the bill. See attachment.

DISPOSITION OF SB 395: Anne Brodsky, Legislative Research Council, explained the bill needed some technical corrections. The amendments were in the title. Page one, line 13, should be 2-8-103 and 2-8-112. Line 24, page 1 should read 2-8-122.

Senator Galt moved the amendments. Motion carried unanimously.

Page 9, line 14 shouldn't refer to veterinary technology and should be deleted.

Senator Lee moved the amendment. Motion carried unanimously.

Senator Boylan moved DO PASS SB 395, as amended. Motion carried unanimously.

DISPOSITION OF SB 254: Senator Lee proposed the attached amendments to SB 254.

In essence the amendments require no interstate transfer of water, only interbasin transfer, requires Intake Water Company to keep a water log clear to the plant, makes it a contingency on approval by North Dakota and Wyoming, and the Legislature must review this effort after 50 years or termination of the project. The amendments were agreed to by Tenneco and DNRC.

Senators Aklestad and Ochsner were concerned about pumping during low water times. Senator Graham felt it a mistake for the Legislature to become involved in water permits.

Senator Lee moved the amendments be adopted. Motion carried.

Senator Lee moved DO PASS SB 254, as amended. Roll call vote was taken. There were three AYES and six Nays.

SB 254 will receive an ADVERSE Committee report.

DISPOSITION OF SB 243: Senator Graham said he was with Jim

ROLL CALL

AGRICULTURE COMMITTEE

47 th LEGISLATIVE SESSION - - 1981

Date 2-11-81

NAME	PRESENT	ABSENT	EXCUSED
GALT, Jack E.	✓		
KOLSTAD, Allen C.	✓		
AKLESTAD, Gary C.	✓		
OCHSNER, J. Donald	✓		
GRAHAM, Carroll	✓		
BOYLAN, Paul F.	✓		
CONOVER, Max	✓		
ECK, Dorothy	✓		
LEE, Gary	✓		

Each day attach to minutes.

EXPLANATION OF SENATE BILL 395
REESTABLISHING THE BOARD OF VETERINARIANS
AND DELETING LICENSURE OF VETERINARY TECHNICIANS
(Sponsored by Senator Steve Brown)

As a result of the sunset performance audit and public hearings, the Legislative Audit Committee recommends that the Board of Veterinarians be reestablished. The Committee also recommends eliminating licensure of veterinary technicians and the statutorily set examination date for veterinarians.

Sections 1 and 2 of Senate Bill 395 reestablish the board for 6 years as required by the sunset law.

Section 3 deletes the board authority of issuing licenses to veterinary technicians. This section relates to section 7 of this bill which repeals all statutes which relate to the licensure of technicians. The current statutes are not specific regarding the authority of the veterinary technician and what functions may be performed by unlicensed individuals. Various functions performed by technicians are also performed by kennel assistants and other veterinary personnel. Since there is no distinction between duties performed by licensees and nonlicensees and because final responsibility for any actions rests with the veterinarian, the current licensure of technicians does not appear to be designed to protect the public.

Section 4 allows the board to set examination dates when necessary rather than in January and June of each year.

Sections 5 and 6 delete references to veterinary technology in statutes which cover penalties and injunctions for practicing without a license.

Section 7 was discussed previously.

JP/kf

WITNESS STATEMENT

Name Brenda H. Clair Date 2-13-81
 Address La Lynde Bldg. Helena, MT Support ? Yes
 Representing Board of Veterinarians Oppose ?
 Which Bill ? Senate Bill 395 Amend ?

Comments:

I am the administrative assistant to the Board of Veterinarians at the Dept. of POL. The Board of Veterinarians concurs with the legislation as introduced.

Please leave prepared statement with the committee secretary.

2-13-81

COMMITTEE ON

DATE _____
AGRICULTURE

VISITORS' REGISTER

[illegible]

STANDING COMMITTEE REPORT

February 13 19 81

MR. PRESIDENT

We, your committee on AGRICULTURE, LIVESTOCK AND IRRIGATION

having had under consideration SENATE Bill No. 395

Respectfully report as follows: That SENATE Bill No. 395
be amended as follows:

1. page 1, line 13.
Following: "law,"
Strike: "section 2-18-103 and 2-18-112"
Insert: "sections 2-8-103 and 2-8-112"
2. page 1, line 24.
Following: "to"
Strike: "2-18-122"
Insert: "2-8-122"
3. page 9, line 14.
Following: "medicine"
Strike: "or veterinary technology"

And, as amended,

DO PASS

39th Legislative Year 2-18-1981
2nd Reading (Committee of Whole)

Total 1

Absent or not voting: None.

Total 0

That Senate Bill No. 368 do pass by the following vote:

Ayes: Berg, Blaylock, Boylan, S. Brown, Conover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Halligan, Hazelbaker, Healy, Himsl, Keating, Kolstad, McCallum, Nelson, Ochsner, Olson, Regan, Severson, Smith, Stephens, Thomas, Towe, Van Valkenburg, Mr. President.

Total 30

Noes: Crippen, Dover, Hafferman, Lee, Mazurek.

Total 5

Excused: Manning.

Total 1

Absent or not voting: Aklestad, Anderson, B. Brown, Hager, Hammond, Jacobson, Johnson, Manley, Norman, O'Hara, Ryan, Stimatz, Story, Tveit.

Total 14

That Senate Bill No. 395 do pass by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.

Total 49

Noes: None.

Total 0

Excused: Manning.

Total 1

Absent or not voting: None.

Total 0

That Senate Bill No. 133 do pass by the following vote:

Ayes: Aklestad, Blaylock, Boylan, B. Brown, Conover, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hazelbaker, Healy, Himsl, Johnson, Keating, Kolstad, Lee, Manley, McCallum, Nelson, Norman, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Story, Thomas, Tveit, Mr. President.

Total 35

Noes: Berg, S. Brown, Crippen, Eck, Halligan, Jacobson, Mazurek, Regan, Towe, Van Valkenburg.

Total 10

Excused: Manning.

Total 1

Absent or not voting: Anderson, Hammond, Ochsner, Stimatz.

Total 4

That Senate Bill No. 399 do pass by the following vote:

Ayes: Aklestad, Anderson, Boylan, B. Brown, Conover, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Hammond,

Forty-first Legislative Day 2-20-1981
3rd Reading

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Senate Bill No. 368 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.

Total 49

Noes: Boylan.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Senate Bill No. 395 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, S. Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.

Total 49

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Manning.

Total 1

Senate Bill No. 399 was passed by the following vote:

Ayes: Aklestad, Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hammond, Hazelbaker, Healy, Himsl, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Ryan, Severson, Smith, Stephens, Stimatz, Story, Thomas, Tveit, Mr. President.

Total 45

Noes: S. Brown, Eck, Regan, Towe, Van Valkenburg.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

STATUS SHEET

STATE ADMINISTRATION COMMITTEE 2/21 #3

47 Legislature

Bill No.	Subject matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
SB 393	TERMINATE BOARD OF OSTEO-PATHIC PHYSICIANS & TRANSFER REGULATION TO BOARD OF MEDICAL EXAMINERS;	2/20	S. BROWN	3/6/81	BE CONCURRED IN	3/6/81
SB 395	REESTABLISH BOARD OF VETERINARIANS.....	2/23	BROWN	3/6/81	BE CONCURRED IN	3/6/81
SB 406	REESTABLISH BOARD OF COSMETOLOGISTS	2/23	HIMSL	3/6/81	BE CONCURRED IN	3/6/81
SB 407	TO SPECIFY DISCIPLINARY AUTHORITY OF LICENSING BOARDS IN DEPARTMENT OF PROFESSIONAL & OCCUPATIONAL LICENSING.	2/23	BROWN	3/12/81	BE CONCURRED IN	3/12/81
SB 105	REQUIRING THAT ONLY REGISTERED VOTERS OF MT. MAY CIRCULATE INITIATIVE PETITION....	1/7	GALT	3/4/81	BE NOT CONCURRED IN AS AMENDED	3/5/81
SB 325	REVISE SALARY SCHEDULE OF A YOUTH COURT PROBATION OFFICER...	2/24	STEPHENS	3/9/81	BE CONCURRED IN AS AMENDED	3/27

1 SENATE BILL NO. 395

2 INTRODUCED BY S. BROWN, HIMSL

3 BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REESTABLISH THE
6 BOARD OF VETERINARIANS; DELETING LICENSURE OF VETERINARY
7 TECHNICIANS; MODIFYING EXAMINATION SCHEDULE; AMENDING
8 SECTIONS 2-8-103, 37-18-202, 37-18-303, 37-18-501, AND
9 37-18-502, MCA; REPEALING SECTIONS 37-18-103, 37-18-401
10 THROUGH 37-18-405, AND 37-18-411, MCA; AND PROVIDING AN
11 IMMEDIATE EFFECTIVE DATE."

12
13 WHEREAS, the sunset law, ~~section-2-18-103-and--2-18-112~~
14 ~~SECTIONS 2-8-103 AND 2-8-112~~, terminates the Board of
15 Veterinarians and requires a performance evaluation of the
16 Board by the Legislative Audit Committee; and

17 WHEREAS, as a result of the performance evaluation, the
18 Legislative Audit Committee recommends that the Board of
19 Veterinarians be reestablished under existing statutory
20 authority.

21
22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

23 Section 1. Reestablishment. The board of veterinarians
24 is reestablished for 6 years pursuant to ~~2-18-122~~ 2-8-122
25 with its existing statutory authority and rules.

1 Section 2. Section 2-8-103, MCA, is amended to read:

2 "2-8-103. Agencies to terminate. (1) The following
3 agencies shall terminate on July 1, 1979:

4 (a) board of abstracters, department of professional
5 and occupational licensing, created by 2-15-1643;

6 (b) board of real estate, department of professional
7 and occupational licensing, created by 2-15-1642;

8 (c) state board of warm air heating, ventilation, and
9 air conditioning, department of professional and
10 occupational licensing, created by 2-15-1656;

11 (d) board of institutions, department of institutions,
12 created by 2-15-2303.

13 (2) The following agencies shall terminate on July 1,
14 1981:

15 (a) commission for human rights, department of labor
16 and industry, created by 2-15-1706;

17 (b) board of athletics, department of professional and
18 occupational licensing, created by 2-15-1661;

19 (c) board of barbers, department of professional and
20 occupational licensing, created by 2-15-1625;

21 (d) board of chiropractors, department of professional
22 and occupational licensing, created by 2-15-1613;

23 (e) board of cosmetologists, department of
24 professional and occupational licensing, created by
25 2-15-1626;

20

1 (f) board of dentists, department of professional and
2 occupational licensing, created by 2-15-1606;

3 (g) board of hearing aid dispensers, department of
4 professional and occupational licensing, created by
5 2-15-1616;

6 (h) board of massage therapists, department of
7 professional and occupational licensing, created by
8 2-15-1627;

9 (i) Montana state board of medical examiners,
10 department of professional and occupational licensing,
11 created by 2-15-1605;

12 (j) board of morticians, department of professional
13 and occupational licensing, created by 2-15-1619;

14 (k) board of nursing, department of professional and
15 occupational licensing, created by 2-15-1610;

16 (l) board of nursing home administrators, department
17 of professional and occupational licensing, created by
18 2-15-1611;

19 (m) board of optometrists, department of professional
20 and occupational licensing, created by 2-15-1612;

21 (n) board of osteopathic physicians, department of
22 professional and occupational licensing, created by
23 2-15-1607;

24 (o) board of pharmacists, department of professional
25 and occupational licensing, created by 2-15-1609;

1 (p) board of podiatry examiners, department of
2 professional and occupational licensing, created by
3 2-15-1608;

4 (q) board of psychologists, department of professional
5 and occupational licensing, created by 2-15-1617;

6 (r) board of radiologic technologists, department of
7 professional and occupational licensing, created by
8 2-15-1614;

9 (s) board of speech pathologists and audiologists,
10 department of professional and occupational licensing,
11 created by 2-15-1615;

12 ~~(t) board of veterinarians, department of professional~~
13 ~~and occupational licensing, created by 2-15-1618;~~

14 ~~(u)~~ (t) board of veterans' affairs, department of
15 social and rehabilitation services, created by 2-15-2202;

16 ~~(v)~~ (u) board of sanitarians, department of
17 professional and occupational licensing, created by
18 2-15-1631.

19 (3) The following units of state government shall
20 terminate on July 1, 1983:

21 (a) board of aeronautics, department of community
22 affairs, created by 2-15-1103;

23 (b) state board of hail insurance, department of
24 agriculture, created by 2-15-3003;

25 (c) board of horse racing, department of professional

1 and occupational licensing, created by 2-15-1652;
 2 (d) board of livestock, department of livestock,
 3 created by 2-15-3102;
 4 (e) board of milk control, department of business
 5 regulation, created by 2-15-1802;
 6 (f) board of oil and gas conservation, department of
 7 natural resources and conservation, created by 2-15-3103;
 8 (g) Montana outfitters council, department of fish,
 9 wildlife, and parks, created by 2-15-3403;
 10 (h) public service commission, department of public
 11 service regulation, created by 69-1-102;
 12 (i) board of water and wastewater operators,
 13 department of health and environmental sciences, created by
 14 2-15-2105;
 15 (j) board of water well contractors, department of
 16 professional and occupational licensing, created by
 17 2-15-1632.
 18 (4) The following agencies terminate on July 1, 1985:
 19 (a) the board of public accountants, created by
 20 2-15-1641;
 21 (b) the board of architects, created by 2-15-1651;
 22 (c) state banking board, department of business
 23 regulation, created by 2-15-1803;
 24 (d) the state electrical board, created by 2-15-1654;
 25 (e) the board of professional engineers and land

1 surveyors, created by 2-15-1653;
 2 (f) office of commissioner of insurance and the
 3 insurance department, state auditor's office, created by
 4 2-15-1902 and 2-15-1903;
 5 (g) office of the securities commissioner, state
 6 auditor's office, created by 2-15-1901;
 7 (h) the board of landscape architects, created by
 8 2-15-1652;
 9 (i) the board of county printing, created by
 10 2-15-1102;
 11 (j) the board of plumbers, created by 2-15-1655;
 12 (k) board of physical therapy examiners, created by
 13 2-15-1628.
 14 (5) The following agency terminates on July 1, 1987:
 15 the board of veterinarians, department of professional and
 16 occupational licensing, created by 2-15-1618."
 17 Section 3. Section 37-18-202, MCA, is amended to read:
 18 "37-18-202. Powers of board and department --
 19 examinations -- prosecutions. (1) The board may adopt rules
 20 and orders necessary for the performance of its duties,
 21 prescribe forms for application for examination and license,
 22 and prepare examinations. The department shall, subject to
 23 37-1-101, supervise the examination of applicants for
 24 license to practice veterinary medicine, obtain the services
 25 of professional examination agencies instead of its own

22

1 preparation of examinations, and grant and revoke licenses.

2 ~~{2}--the board--of--veterinarians--may--also--issue--to~~
3 ~~qualified-applicants--licenses-for-the-practice-of-veterinary~~
4 ~~technology--to-be-known-as-veterinary-technicians~~

5 ~~{3}{2}~~ The department may employ attorneys, subject to
6 the approval of the attorney general, to assist county
7 attorneys in prosecutions brought under this chapter in the
8 respective district courts of the state or to assist the
9 attorney general in representing the board before the
10 supreme court."

11 Section 4. Section 37-18-303, MCA, is amended to read:

12 "37-18-303. Examination -- temporary permit pending
13 examination. (1) Subject to 37-1-101, the board shall by
14 means of examination, either oral, written, or practical or
15 a combination of oral, written, or practical as the board
16 determines, ascertain the professional qualifications for
17 license of applicants under this part. An investigation
18 under reciprocity arrangements may replace examination for
19 licensees from other states under 37-18-304. The department
20 shall issue a license to all who are found to be, in the
21 judgment of the board, competent to practice. A license may
22 not be issued to a person who is not found by the
23 examination or investigation to be competent.

24 (2) The examination shall be held ~~in January and June~~
25 ~~of when determined necessary by the board, but not less~~

1 frequently than once each year at a time and place specified
2 by the board. The examination shall cover theory and
3 practice, pharmacology and therapeutics, animal sanitation,
4 surgery, communicable diseases, and other subjects chosen by
5 the board which are ordinarily included in the curriculum of
6 a school of veterinary medicine recognized and approved by
7 the American veterinary medical association.

8 (3) The department shall consecutively number
9 applications received, note on each the disposition made of
10 it, and preserve them for reference and shall number
11 consecutively licenses issued.

12 (4) Applicants must achieve a grade of 70% in all
13 subjects in order to obtain a license. An applicant who has
14 failed an examination may apply to be reexamined at a
15 subsequent examination and shall pay another application fee
16 commensurate with the costs of the examinations and set
17 annually by the board and shall take another complete
18 examination in all subjects.

19 (5) An applicant for examination may, in the
20 discretion of the board, be given a temporary permit to
21 practice veterinary medicine prior to taking the examination
22 if the applicant is employed by and working under the
23 supervision of and in the same office with a veterinarian
24 licensed under this part. The temporary permit is valid only
25 until the date of the next examination. Under no

1 circumstances may a second temporary permit be issued to the
2 same person. A temporary permit may not be issued to a
3 person who has failed an examination given under this
4 section."

5 Section 5. Section 37-18-501, MCA, is amended to read:

6 "37-18-501. Penalty. A person practicing veterinary
7 medicine ~~or--veterinary--technology~~ within this state, as
8 defined in this chapter, without first having obtained a
9 license to practice and being registered as required by this
10 chapter or after his license to practice has been suspended
11 or revoked or contrary to the provisions of this chapter in
12 any manner is guilty of a misdemeanor for each violation of
13 the provisions of this chapter or for each act relating to
14 the practice of veterinary medicine ~~or-veterinary-technology~~
15 in this state and upon conviction shall be punished by a
16 fine of not less than \$200 or more than \$500, or by
17 imprisonment in the county jail for not less than 30 days or
18 more than 6 months, or by both such fine and imprisonment.
19 Any person convicted a second time for any violation of this
20 chapter shall be punished by both such fine and
21 imprisonment. The district court has jurisdiction of all
22 prosecutions brought hereunder."

23 Section 6. Section 37-18-502, MCA, is amended to read:

24 "37-18-502. Injunction. The board or any person may
25 bring an action in the district court to enjoin any person

1 who is not licensed from engaging in the practice of
2 veterinary medicine ~~or--veterinary--technology~~, unless
3 otherwise exempted under 37-18-104(3). If the court finds
4 that the defendant is violating or threatening to violate
5 any provision of Title 37, chapter 18, it shall enter an
6 order restraining him from the violation, without regard to
7 any criminal provisions of Title 37, chapter 18."

8 Section 7. Repealer. Sections 37-18-103, 37-18-401
9 through 37-18-405, and 37-18-411, MCA, are repealed.

10 Section 8. Effective date. This act is effective on
11 passage and approval.

-End-

STATE ADMINISTRATION
MARCH 6, 1981
RM 436

The meeting of the House State Administration Committee was called to order at 8:00 a.m. on March 6, 1981, with Chairman Jerry Feda presiding. All members were present except Representative Azzara, Dussault and O'Connell who were absent.

Chairman Feda opened the meeting to a hearing on SB 395.

SENATE BILL 395-SPONSOR, Senator Steve Brown, introduced this bill to the committee. This bill, requested by the Legislative Audit Committee, reestablishes for six additional years the six-member Board of Veterinarians that is scheduled to terminate July 1, 1981. The bill removes the Board's authority to license veterinary technicians, permits the Board to schedule license examinations when necessary but at least once each year, and repeals those sections defining and regulating veterinary technicians.

PROPOSERS

BRENDA ST. CLAIR, Administrative Assistant, Board of Veterinarians, appeared in behalf of the Board of Veterinarians who were unable to be present at the hearing. A copy of her brief statement is attached and is EXHIBIT 1 of the minutes.

OPPOSERS

ORLEY ARTHUR, Veterinarian, stated that he is not opposed to the concept of the bill but opposes the section that would remove the authority to license veterinary technicians. He said that the public has the right to know that these people are qualified to do the work they do.

QUESTIONS BY THE COMMITTEE:

Representative Spilker asked Mr. Seacat (Legislative Audit staff) to give background information on veterinary technicians.

Scott Seacat said that there are about 60 technicians in the state now. The law is not clear as to the functions that a technician can perform. There has never been any complaints concerning veterinary technicians.

Kropp: Senator Brown, can you tell us why this recommendation was made?

STATE ADMINISTRATION
MARCH 6, 1981
Page 2

SB 395 (cont.)

Brown: There is no consistency for requirements or functions of veterinary technicians. It varies according to the individual veterinarian who employs the technician.

Senator Brown closed the hearing on SB 395.

SENATE BILL 406-SPONSOR, Senator Hims1, introduced this bill to the committee at the request of the Legislative Audit Committee. This bill reestablishes for six additional years the Board of Cosmetologists that is scheduled to terminate July 1, 1981. The bill also adds another member to the Board who is a representative of the public and revises provisions relating to qualifications of applicants for licenses to teach cosmetology, licensing reciprocity with other states, inspection of cosmetology establishments, fees, and exemptions from licensure as an electrologist.

PROPOSERS

ALEC HANSEN, Cosmetology Assoc., stated that the association of about one thousand members supports SB 406.

OPPOSERS

There were no opposers present.

QUESTIONS BY THE COMMITTEE:

Mueller: Is there a danger to the public if a cosmetologist opens a shop after completing the training but is not working under an experienced management.

Hims1: I think the only danger would be the economic one to the person opening the shop!

Senator Hims1 closed the hearing on SB 406.

SENATE BILL 394-SPONSOR, Senator Steve Brown, introduced this bill at the request of the Legislative Audit Committee which reestablishes for six additional years the Board of Chiropractors that is scheduled to terminate July 1, 1981. The bill also provides for one member of the Board to be a member of the public and removes the continuing education requirement for annual renewal of licenses.

24

STATE ADMINISTRATION
MARCH 6, 1981
Page 6

EXECUTIVE SESSION (cont.)

SENATE BILL 393

BE CONCURRED IN

Representative Phillips moved that SB 393 BE CONCURRED IN.
A vote was taken and carried unanimously with those present.

Representative Sales was assigned to carry SB 393 in the House.

SENATE BILL 394

BE CONCURRED IN
AS AMENDED

Representative Sales moved the amendments. See EXHIBIT 2.
A vote carried unanimously.

Representative Mueller moved that SB 393 BE CONCURRED IN
AS AMENDED. A vote carried unanimously.

Representative Kanduch was assigned to carry SB 393 in the House.

SENATE BILL 395

BE CONCURRED IN

Representative Spilker moved that SB 395 BE CONCURRED IN.
A vote was taken and carried unanimously.

Representative McBride was assigned to carry SB 395 in the House.

SENATE BILL 406

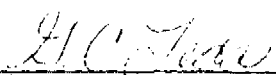
BE CONCURRED IN

Representative Mueller moved that SB 406 BE CONCURRED IN.
A vote was taken and carried unanimously with those present.

Representative McBride was assigned to carry SB 406 in the House.

A motion was made to adjourn at 9:30 a.m.

Respectfully submitted,



G. C. "JERRY" FEDA, Chairman

Cathy Martin-Secretary

27

ROLL CALL

HOUSE STATE ADMINISTRATION COMMITTEE

47 LEGISLATIVE SESSION, 19 81

P= PRESENT

E= EXCUSED

L= LATE

A= ABSENT

Name	Date													
	2/ 17	2/ 18	2/ 19	2/ 20	2/ 23	3/ 3	3/ 4	3/ 5	3/ 6	3/ 9	3/ 10	3/ 11	3/ 12	3/ 13
AZZARA, JAMES	A	A	A	A	A	A	A	A	A	A	P	P	A	P
BRIGGS, HAROLD	P	E	P	P	E	P	P	P	P	P	P	P	P	P
DUSSAULT, ANN MARY	P	A	P	P	A	E	P	P	A	P	P	E	P	P
FEDA, G.C. (Chair.)	P	P	P	P	P	P	P	P	P	P	P	E	P	P
HANSON, BEN	P	P	P	P	P	P	P	P	P	P	P	P	P	P
HOLLIDAY, GAY	P	P	P	P	P	P	P	P	P	P	P	P	P	P
KANDUCH, JOE	P	P	P	P	P	P	P	P	P	P	P	P	P	P
KENNERLY, ROLAND	P	P	A	P	P	P	P	P	P	P	P	P	P	P
KROPP, PAUL	P	P	P	P	P	P	P	P	P	E	P	P	P	P
McBRIDE, KATHLEEN	P	P	P	A	P	E	P	P	P	P	P	P	P	P
MUELLER, GLENN	P	P	P	P	P	P	P	P	P	P	P	P	P	P
O'CONNELL, HELEN	P	P	P	A	P	E	P	A	A	P	E	E	E	E
PHILLIPS, JOHN	P	P	P	P	P	P	P	P	P	P	P	P	P	P
PISTORIA, PAUL	P	P	P	P	P	P	P	P	P	P	P	P	P	P
RYAN, JOHN	P	P	P	P	P	E	P	P	P	P	P	P	P	P
SALES, WALTER (V.C.)	P	P	P	P	P	P	P	P	P	P	P	P	P	P
SMITH, CARL	P	P	P	P	P	E	P	P	P	P	P	P	P	P
SPIKER, BOBBY	P	P	P	P	P	E	P	P	P	P	P	P	P	P
WINSLOW, CALVIN	P	P	P	P	P	E	P	P	P	P	P	P	P	P

9

UNAN.

216
BOARD OF VETERINARIANS EXHIBIT 1
DEPARTMENT OF PROFESSIONAL & OCCUPATIONAL LICENSING



THOMAS J. JUDGE GOVERNOR

STATE OF MONTANA

(406) 449-3737

LALONDE BUILDING
42½ NORTH MAIN
HELENA, MONTANA 59601

March 5, 1981

To: House State Administration Committee
Representative Jerry Feda, Chairman

From: Brenda St. Clair, *Brenda St. Clair*
Administrative Assistant

Re: Senate Bill 395

I have been requested by the Board of Veterinarians to appear before your committee on Senate Bill 395. The members are sorry that they were unable to be present at this hearing.

The Board of Veterinarians concur with the proposed legislation as amended.

REPRESENTATIVE McBRIDE

YOU HAVE BEEN ASSIGNED TO CARRY SENATE BILL 8: 354, 395, & 406

JERRY FEDA, cm, Chairman

REPRESENTATIVE SALES

YOU HAVE BEEN ASSIGNED TO CARRY SENATE BILL 393.

JERRY FEDA, cm, Chairman

REPRESENTATIVE KANDUCH

YOU HAVE BEEN ASSIGNED TO CARRY SENATE BILL 394.

JERRY FEDA, cm, Chairman

REPRESENTATIVE _____

YOU HAVE BEEN ASSIGNED TO CARRY SENATE BILL _____.

_____, Chairman

VISITORS' REGISTER

HOUSE STATE ADMINISTRATION

COMMITTEE

BILL SB 395

Date 3/6/81

SPONSOR S. BROWN

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

3-9-1981

Ayes: Abrams, Anderson, Andreason, Asay, Azzara, Bengtson, Bennett, Bergene, Bertelsen, Brand, Briggs, Brown, Conn, Curtiss, Devlin, Dozier, Dussault, Ellerd, Ellison, Eudaily, Fabrega, Fagg, Feda, Gould, Hannah, Hanson, Harp, Harper, Harrington, Hart, Holliday, Huennekens, Iverson, Jacobsen, Jensen, Kanduch, Keedy, Kemmis, Kennerly, Kessler, Keyser, Kitselman, Manning, Matsko, McBride, McLane, Menahan, Metcalf, Meyer, Mueller, Neuman, Nilson, Nordtvedt, Oberg, O'Connell, O'Hara, Pavlovich, Phillips, Pistoria, Robbins, Roth, Roush, Ryan, Sales, Schultz, Shelden, Spilker, Switzer, Teague, Underdal, Vincent, Vinger, Wallin, Williams, Winslow, Yardley, Zabrocki.

Total 77

Noes: None.

Total 0

Excused: Bardanouve, Conroy, Cozzens, Daily, Donaldson, Ernst, Hemstad, Hurwitz, Kropp, Lory, Lund, Manuel, Moore, Quilici, Shontz, Stobie, Thoft, Waldron.

Total 18

Absent or not voting: Burnett, Marks, Seifert, Sivertsen, Smith.

Total 5

Representative Sales moved that SB 393 be concurred in. Motion carried by the following vote:

Ayes: Abrams, Anderson, Andreason, Asay, Azzara, Bengtson, Bennett, Bergene, Bertelsen, Brand, Briggs, Brown, Conn, Curtiss, Devlin, Dozier, Dussault, Ellerd, Ellison, Eudaily, Fagg, Feda, Gould, Hannah, Hanson, Harp, Harper, Harrington, Hart, Holliday, Huennekens, Jacobsen, Jensen, Kanduch, Keedy, Kemmis, Kennerly, Kessler, Keyser, Manning, Matsko, McBride, McLane, Menahan, Metcalf, Mueller, Neuman, Nilson, Nordtvedt, Oberg, O'Connell, Pavlovich, Phillips, Pistoria, Robbins, Roth, Roush, Ryan, Sales, Schultz, Shelden, Smith, Spilker, Switzer, Teague, Underdal, Vincent, Vinger, Wallin, Williams, Winslow, Yardley, Zabrocki.

Total 72

Noes: None.

Total 0

Excused: Bardanouve, Conroy, Cozzens, Daily, Donaldson, Ernst, Hemstad, Hurwitz, Kropp, Lory, Lund, Manuel, Moore, Quilici, Shontz, Stobie, Thoft, Waldron.

Total 18

Absent or not voting: Burnett, Fabrega, Hannah, Iverson, Kitselman, Marks, Meyer, O'Hara, Seifert, Sivertsen.

Total 10

Representative McBride moved that SB 395 be concurred in. Motion carried by the following vote:

Ayes: Abrams, Anderson, Andreason, Asay, Azzara, Bengtson, Bennett, Bergene, Bertelsen, Brand, Brown, Conn, Curtiss, Devlin, Dozier, Dussault, Ellerd, Ellison, Eudaily, Fagg, Feda, Gould, Hannah, Hanson, Harp, Harper, Harrington, Hart, Holliday, Huennekens, Iverson, Jacobsen, Jensen, Kanduch, Kemmis, Kennerly, Kessler, Keyser, Manning, Matsko, McBride, McLane, Menahan, Metcalf, Mueller, Neuman, Nordtvedt, Oberg, O'Connell, O'Hara, Pavlovich, Phillips, Pistoria, Robbins, Roth, Roush, Ryan, Schultz, Seifert, Shelden, Sivertsen, Smith, Spilker, Switzer, Teague, Vincent, Vinger, Wallin, Williams, Winslow, Yardley, Zabrocki.

Total 72

33

Noes: Sales.

Total 1

Excused: Bardanouve, Conroy, Cozzens, Daily, Donaldson, Ernst, Hemstad, Hurwitz, Kropp, Lory, Lund, Manuel, Moore, Quilici, Shontz, Stobie, Thoft, Waldron.

Total 18

Absent or not voting: Briggs, Burnett, Fabrega, Keedy, Kitselman, Marks, Meyer, Nilson, Underdal.

Total 9

Representative McBride moved that SB 406 be concurred in. Motion carried by the following vote:

Ayes: Abrams, Anderson, Andreason, Asay, Azzara, Bengtson, Bennett, Bergene, Bertelsen, Brand, Briggs, Brown, Conn, Curtiss, Devlin, Dozier, Ellerd, Ellison, Eudaily, Fabrega, Fagg, Feda, Gould, Hanson, Harp, Harper, Harrington, Hart, Holliday, Huennekens, Iverson, Jacobsen, Jensen, Kanduch, Kemmis, Kennerly, Kessler, Keyser, Kitselman, Manning, Matsko, McBride, McLane, Menahan, Metcalf, Meyer, Mueller, Neuman, Nilson, Oberg, O'Connell, O'Hara, Pavlovich, Phillips, Pistoria, Robbins, Roth, Roush, Ryan, Schultz, Seifert, Shelden, Sivertsen, Smith, Spilker, Switzer, Teague, Underdal, Vincent, Vinger, Wallin, Williams, Winslow, Yardley, Zabrocki.

Total 75

Noes: Hannah, Nordtvedt, Sales.

Total 3

Excused: Bardanouve, Conroy, Cozzens, Daily, Donaldson, Ernst, Hemstad, Hurwitz, Kropp, Lory, Lund, Manuel, Moore, Quilici, Shontz, Stobie, Thoft, Waldron.

Total 18

Absent or not voting: Burnett, Dussault, Keedy, Marks.

Total 4

Representative Switzer moved that SB 37, as amended, be concurred in. Motion carried by the following vote:

Ayes: Abrams, Anderson, Andreason, Asay, Azzara, Bennett, Bergene, Bertelsen, Briggs, Brown, Burnett, Conn, Curtiss, Devlin, Dozier, Dussault, Ellison, Eudaily, Fabrega, Fagg, Feda, Gould, Hanson, Harp, Harper, Harrington, Hart, Holliday, Huennekens, Iverson, Jacobsen, Kanduch, Keedy, Kemmis, Kennerly, Keyser, Kitselman, Manning, Matsko, McBride, McLane, Menahan, Metcalf, Meyer, Mueller, Neuman, Nilson, Oberg, O'Connell, O'Hara, Pavlovich, Phillips, Pistoria, Robbins, Roth, Roush, Ryan, Schultz, Seifert, Shelden, Sivertsen, Smith, Spilker, Switzer, Teague, Underdal, Vincent, Wallin, Williams, Winslow, Yardley, Zabrocki.

Total 72

Noes: Brand, Hannah, Sales, Vinger.

Total 4

Excused: Bardanouve, Bengtson, Conroy, Cozzens, Daily, Donaldson, Ernst, Hemstad, Hurwitz, Kropp, Lory, Lund, Manuel, Moore, Quilici, Shontz, Stobie, Thoft, Waldron.

Total 19

Absent or not voting: Ellerd, Jensen, Kessler, Marks, Nordtvedt.

Total 5

3-11-1981

3rd Reading

Kessler, Keyser, Kitselman, Kropp, Lory, Lund, Manning, Matsko, McBride, McLane, Menahan, Metcalf, Meyer, Moore, Mueller, Neuman, Nilson, Nordtvedt, Oberg, O'Hara, Pavlovich, Phillips, Pistoria, Quilici, Robbins, Roth, Ryan, Sales, Schultz, Seifert, Shelden, Shontz, Sivertsen, Smith, Spilker, Stobie, Switzer, Teague, Thoft, Underdal, Vincent, Waldron, Wallin, Williams, Winslow, Yardley, Zabrocki, Mr. Speaker.

Total 95

Noes: None.

Total 0

Excused: Feda, Manuel, O'Connell, Roush, Vinger.

Total 5

Absent or not voting: None.

Total 0

Senate Bill No. 393 was concurred in by the following vote:

Ayes: Abrams, Anderson, Andreason, Asay, Azzara, Bardanouve, Bengtson, Bennett, Bergene, Bertelsen, Brand, Briggs, Brown, Burnett, Conn, Conroy, Cozzens, Curtiss, Daily, Devlin, Donaldson, Dozier, Dussault, Ellerd, Ellison, Ernst, Eudaily, Fabrega, Fagg, Gould, Hannah, Hanson, Harp, Harper, Harrington, Hart, Hemstad, Holliday, Huennekens, Hurwitz, Iverson, Jacobsen, Jensen, Kanduch, Keedy, Kemmis, Kennerly, Kessler, Keyser, Kitselman, Kropp, Lory, Lund, Manning, Matsko, McBride, McLane, Menahan, Metcalf, Meyer, Moore, Mueller, Neuman, Nilson, Nordtvedt, Oberg, O'Hara, Pavlovich, Phillips, Pistoria, Quilici, Robbins, Roth, Ryan, Sales, Schultz, Seifert, Shelden, Shontz, Sivertsen, Smith, Spilker, Stobie, Switzer, Teague, Thoft, Underdal, Vincent, Waldron, Wallin, Williams, Winslow, Yardley, Zabrocki, Mr. Speaker.

Total 95

Noes: None.

Total 0

Excused: Feda, Manuel, O'Connell, Roush, Vinger.

Total 5

Absent or not voting: None.

Total 0

Senate Bill No. 395 was concurred in by the following vote:

Ayes: Abrams, Anderson, Andreason, Asay, Azzara, Bardanouve, Bengtson, Bennett, Bergene, Bertelsen, Brand, Briggs, Brown, Burnett, Conn, Conroy, Cozzens, Curtiss, Daily, Devlin, Donaldson, Dozier, Dussault, Ellerd, Ellison, Ernst, Eudaily, Fabrega, Fagg, Gould, Hanson, Harp, Harper, Harrington, Hart, Hemstad, Holliday, Huennekens, Hurwitz, Iverson, Jacobsen, Jensen, Kanduch, Keedy, Kemmis, Kennerly, Kessler, Keyser, Kitselman, Kropp, Lory, Lund, Manning, Matsko, McBride, McLane, Menahan, Metcalf, Meyer, Moore, Mueller, Neuman, Nilson, Oberg, O'Hara, Pavlovich, Phillips, Pistoria, Quilici, Robbins, Roth, Ryan, Schultz, Seifert, Shelden, Shontz, Sivertsen, Spilker, Stobie, Switzer, Teague, Thoft, Underdal, Vincent, Waldron, Wallin, Williams, Winslow, Yardley, Zabrocki, Mr. Speaker.

Total 91

Noes: Hannah, Nordtvedt, Sales, Smith.

Total 4

Excused: Feda, Manuel, O'Connell, Roush, Vinger.

Total 5

Absent or not voting: None.
Total 0

FIRST READING AND COMMITMENT OF BILLS AND RESOLUTIONS

The following bills were introduced, read first time and referred to committees:

- HB 837, introduced by Bardanouve. Referred to Committee on Appropriations.
HB 838, introduced by Lund, (By Request of the House Appropriations Committee). Referred to Committee on Appropriations.
HJR 52, introduced by Sivertsen, Norman, Turnage, Goodover, Williams, (By Request of the House Joint Resolution No. 5 Committee). Referred to Committee on Taxation.

MOTIONS

Representative Vincent moved that SB 154 be taken from Second Reading and rereferred to the Committee on Education. Motion carried.

Representative Moore moved that his vote on SB 106, Third Reading, be recorded as yes. Motion carried.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Representative Fagg moved that the House resolve itself into a Committee of the Whole, for the consideration of business on Second Reading. Motion carried.

Representative Harp in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

Representatives Fagg and Iverson excused at this time.

That HB 833 do pass by the following vote:

Ayes: Abrams, Anderson, Andreason, Asay, Bardanouve, Bengtson, Bergene, Bertelsen, Brand, Briggs, Brown, Burnett, Conn, Conroy, Cozzens, Curtiss, Daily, Devlin, Donaldson, Dozier, Dussault, Ellerd, Ellison, Ernst, Eudaily, Fabrega, Gould, Hanson, Harp, Harper, Harrington, Hart, Hemstad, Holliday, Huennekens, Hurwitz, Jacobsen, Jensen, Kanduch, Keedy, Kemmis, Kennerly, Kessler, Keyser, Kitselman, Kropp, Lory, Manning, Marks, Matsko, McBride, McLane, Menahan, Metcalf, Moore, Mueller, Neuman, Nilson, Oberg, O'Hara, Pavlovich, Phillips, Pistoria, Quilici, Robbins, Roth, Ryan, Schultz, Seifert, Sheldon, Sivertsen, Smith, Spilker, Stobie, Switzer, Teague, Thoft, Underdal, Vincent, Waldron, Wallin, Williams, Winslow, Yardley, Zabrocki.
Total 85

Noes: Azzara, Hannah, Nordtvedt, Sales.
Total 4

Excused: Fagg, Feda, Iverson, Manuel, O'Connell, Roush, Vinger.
Total 7

Absent or not voting: Bennett, Lund, Meyer, Shontz.
Total 4

SENATE BILL NO. 395

INTRODUCED BY S. BROWN, HIMSL

BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT TO REESTABLISH THE BOARD OF VETERINARIANS; DELETING LICENSURE OF VETERINARY TECHNICIANS; MODIFYING EXAMINATION SCHEDULE; AMENDING SECTIONS 2-8-103, 37-18-202, 37-18-303, 37-18-501, AND 37-18-502, MCA; REPEALING SECTIONS 37-18-103, 37-18-401 THROUGH 37-18-405, AND 37-18-411, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

WHEREAS, the sunset law, ~~section-2-8-103-and--2-8-112~~ SECTIONS 2-8-103 AND 2-8-112, terminates the Board of Veterinarians and requires a performance evaluation of the Board by the Legislative Audit Committee; and

WHEREAS, as a result of the performance evaluation, the Legislative Audit Committee recommends that the Board of Veterinarians be reestablished under existing statutory authority.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Reestablishment. The board of veterinarians is reestablished for 6 years pursuant to ~~2-8-122~~ 2-8-122 with its existing statutory authority and rules.

Section 2. Section 2-8-103, MCA, is amended to read:

"2-8-103. Agencies to terminate. (1) The following agencies shall terminate on July 1, 1979:

(a) board of abstracters, department of professional and occupational licensing, created by 2-15-1643;

(b) board of real estate, department of professional and occupational licensing, created by 2-15-1642;

(c) state board of warm air heating, ventilation, and air conditioning, department of professional and occupational licensing, created by 2-15-1656;

(d) board of institutions, department of institutions, created by 2-15-2303.

(2) The following agencies shall terminate on July 1, 1981:

(a) commission for human rights, department of labor and industry, created by 2-15-1706;

(b) board of athletics, department of professional and occupational licensing, created by 2-15-1661;

(c) board of barbers, department of professional and occupational licensing, created by 2-15-1625;

(d) board of chiropractors, department of professional and occupational licensing, created by 2-15-1613;

(e) board of cosmetologists, department of professional and occupational licensing, created by 2-15-1626;

1 (f) board of dentists, department of professional and
2 occupational licensing, created by 2-15-1606;

3 (g) board of hearing aid dispensers, department of
4 professional and occupational licensing, created by
5 2-15-1616;

6 (h) board of massage therapists, department of
7 professional and occupational licensing, created by
8 2-15-1627;

9 (i) Montana state board of medical examiners,
10 department of professional and occupational licensing,
11 created by 2-15-1605;

12 (j) board of morticians, department of professional
13 and occupational licensing, created by 2-15-1619;

14 (k) board of nursing, department of professional and
15 occupational licensing, created by 2-15-1610;

16 (l) board of nursing home administrators, department
17 of professional and occupational licensing, created by
18 2-15-1611;

19 (m) board of optometrists, department of professional
20 and occupational licensing, created by 2-15-1612;

21 (n) board of osteopathic physicians, department of
22 professional and occupational licensing, created by
23 2-15-1607;

24 (o) board of pharmacists, department of professional
25 and occupational licensing, created by 2-15-1609;

1 (p) board of podiatry examiners, department of
2 professional and occupational licensing, created by
3 2-15-1608;

4 (q) board of psychologists, department of professional
5 and occupational licensing, created by 2-15-1617;

6 (r) board of radiologic technologists, department of
7 professional and occupational licensing, created by
8 2-15-1614;

9 (s) board of speech pathologists and audiologists,
10 department of professional and occupational licensing,
11 created by 2-15-1615;

12 ~~{t}--board-of-veterinarians, department-of-professional~~
13 ~~and-occupational-licensing, created-by-2-15-1618;~~

14 ~~{u}{t}~~ board of veterans' affairs, department of
15 social and rehabilitation services, created by 2-15-2202;

16 ~~{v}{u}~~ board of sanitarians, department of
17 professional and occupational licensing, created by
18 2-15-1631.

19 (3) The following units of state government shall
20 terminate on July 1, 1983:

21 (a) board of aeronautics, department of community
22 affairs, created by 2-15-1103;

23 (b) state board of hail insurance, department of
24 agriculture, created by 2-15-3003;

25 (c) board of horse racing, department of professional

1 and occupational licensing, created by 2-15-1662;
 2 (d) board of livestock, department of livestock,
 3 created by 2-15-3102;
 4 (e) board of milk control, department of business
 5 regulation, created by 2-15-1802;
 6 (f) board of oil and gas conservation, department of
 7 natural resources and conservation, created by 2-15-3303;
 8 (g) Montana outfitters council, department of fish,
 9 wildlife, and parks, created by 2-15-3403;
 10 (h) public service commission, department of public
 11 service regulation, created by 69-1-102;
 12 (i) board of water and wastewater operators,
 13 department of health and environmental sciences, created by
 14 2-15-2105;
 15 (j) board of water well contractors, department of
 16 professional and occupational licensing, created by
 17 2-15-1632.
 18 (4) The following agencies terminate on July 1, 1985:
 19 (a) the board of public accountants, created by
 20 2-15-1641;
 21 (b) the board of architects, created by 2-15-1651;
 22 (c) state banking board, department of business
 23 regulation, created by 2-15-1803;
 24 (d) the state electrical board, created by 2-15-1654;
 25 (e) the board of professional engineers and land

1 surveyors, created by 2-15-1653;
 2 (f) office of commissioner of insurance and the
 3 insurance department, state auditor's office, created by
 4 2-15-1902 and 2-15-1903;
 5 (g) office of the securities commissioner, state
 6 auditor's office, created by 2-15-1901;
 7 (h) the board of landscape architects, created by
 8 2-15-1652;
 9 (i) the board of county printing, created by
 10 2-15-1102;
 11 (j) the board of plumbers, created by 2-15-1655;
 12 (k) board of physical therapy examiners, created by
 13 2-15-1628.
 14 (5) The following agency terminates on July 1, 1987:
 15 the board of veterinarians, department of professional and
 16 occupational licensing, created by 2-15-1618."
 17 Section 3. Section 37-18-202, MCA, is amended to read:
 18 "37-18-202. Powers of board and department --
 19 examinations -- prosecutions. (1) The board may adopt rules
 20 and orders necessary for the performance of its duties,
 21 prescribe forms for application for examination and license,
 22 and prepare examinations. The department shall, subject to
 23 37-1-101, supervise the examination of applicants for
 24 license to practice veterinary medicine, obtain the services
 25 of professional examination agencies instead of its own

37

1 preparation of examinations, and grant and revoke licenses.

2 ~~{2}--The board of veterinarians may also issue to~~
3 ~~qualified applicants licenses for the practice of veterinary~~
4 ~~technology, to be known as veterinary technicians.~~

5 {3}{2} The department may employ attorneys, subject to
6 the approval of the attorney general, to assist county
7 attorneys in prosecutions brought under this chapter in the
8 respective district courts of the state or to assist the
9 attorney general in representing the board before the
10 supreme court."

11 Section 4. Section 37-18-303, MCA, is amended to read:

12 "37-18-303. Examination -- temporary permit pending
13 examination. (1) Subject to 37-1-101, the board shall by
14 means of examination, either oral, written, or practical or
15 a combination of oral, written, or practical as the board
16 determines, ascertain the professional qualifications for
17 license of applicants under this part. An investigation
18 under reciprocity arrangements may replace examination for
19 licensees from other states under 37-18-304. The department
20 shall issue a license to all who are found to be, in the
21 judgment of the board, competent to practice. A license may
22 not be issued to a person who is not found by the
23 examination or investigation to be competent.

24 (2) The examination shall be held ~~in January and June~~
25 ~~of when determined necessary by the board, but not less~~

1 frequently than once each year at a time and place specified
2 by the board. The examination shall cover theory and
3 practice, pharmacology and therapeutics, animal sanitation,
4 surgery, communicable diseases, and other subjects chosen by
5 the board which are ordinarily included in the curriculum of
6 a school of veterinary medicine recognized and approved by
7 the American veterinary medical association.

8 (3) The department shall consecutively number
9 applications received, note on each the disposition made of
10 it, and preserve them for reference and shall number
11 consecutively licenses issued.

12 (4) Applicants must achieve a grade of 70% in all
13 subjects in order to obtain a license. An applicant who has
14 failed an examination may apply to be reexamined at a
15 subsequent examination and shall pay another application fee
16 commensurate with the costs of the examinations and set
17 annually by the board and shall take another complete
18 examination in all subjects.

19 (5) An applicant for examination may, in the
20 discretion of the board, be given a temporary permit to
21 practice veterinary medicine prior to taking the examination
22 if the applicant is employed by and working under the
23 supervision of and in the same office with a veterinarian
24 licensed under this part. The temporary permit is valid only
25 until the date of the next examination. Under no

40

1 circumstances may a second temporary permit be issued to the
2 same person. A temporary permit may not be issued to a
3 person who has failed an examination given under this
4 section."

5 Section 5. Section 37-18-501, MCA, is amended to read:

6 "37-18-501. Penalty. A person practicing veterinary
7 medicine ~~or--veterinary--technology~~ within this state, as
8 defined in this chapter, without first having obtained a
9 license to practice and being registered as required by this
10 chapter or after his license to practice has been suspended
11 or revoked or contrary to the provisions of this chapter in
12 any manner is guilty of a misdemeanor for each violation of
13 the provisions of this chapter or for each act relating to
14 the practice of veterinary medicine ~~or-veterinary-technology~~
15 in this state and upon conviction shall be punished by a
16 fine of not less than \$200 or more than \$500, or by
17 imprisonment in the county jail for not less than 30 days or
18 more than 6 months, or by both such fine and imprisonment.
19 Any person convicted a second time for any violation of this
20 chapter shall be punished by both such fine and
21 imprisonment. The district court has jurisdiction of all
22 prosecutions brought hereunder."

23 Section 6. Section 37-18-502, MCA, is amended to read:

24 "37-18-502. Injunction. The board or any person may
25 bring an action in the district court to enjoin any person

1 who is not licensed from engaging in the practice of
2 veterinary medicine ~~or--veterinary--technology~~, unless
3 otherwise exempted under 37-18-104(3). If the court finds
4 that the defendant is violating or threatening to violate
5 any provision of Title 37, chapter 18, it shall enter an
6 order restraining him from the violation, without regard to
7 any criminal provisions of Title 37, chapter 18."

8 Section 7. Repealer. Sections 37-18-103, 37-18-401
9 through 37-18-405, and 37-18-411, MCA, are repealed.

10 Section 8. Effective date. This act is effective on
11 passage and approval.

-End-

411